

REMARKS

In the non-final Office Action, the Examiner indicated that Fig. 2 should include a "Prior Art" legend, and rejected claims 1-5, 8-12, 14-18, 21-23, 25, 26, 29, and 31 under 35 U.S.C. § 103(a) as unpatentable over Boock et al. (U.S. Patent No. 6,891,845) in view of Lin (U.S. Patent No. 6,799,229). The Examiner objected to claims 6, 7, 13, 19, 20, 24, 27, 28, and 30 as dependent upon a rejected base claim that would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims.

By this Amendment, Applicants propose amending Fig. 2 to include a "Prior Art" legend. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's rejection under 35 U.S.C. § 103. Claims 1-31 remain pending.

In paragraph 1 of the Office Action, the Examiner indicated that Fig. 2 should be designated by a "Prior Art" legend. Applicants submit herewith a replacement sheet for Fig. 2 that includes the "Prior Art" legend. Accordingly, Applicants request that this requirement be withdrawn.

In paragraph 4 of the Office Action, the Examiner rejected claims 1-5, 8-12, 14-18, 21-23, 25, 26, 29, and 31 under 35 U.S.C. § 103(a) as allegedly unpatentable over Boock et al. in view of Lin. Applicants respectfully traverse the rejection.

Independent claim 1, for example, is directed to an interface that comprises a data path configured to receive packet data in a stream and temporarily store the packet data; a scheduler configured to partition the packet data into bursts, determine whether a size of

a current one of the bursts is less than a size of a maximum burst associated with the stream, and schedule one or more additional bursts in the stream when the current burst size is less than the maximum burst size; and transmitter logic configured to transmit the current burst and the one or more additional bursts.

Neither Boock et al. nor Lin, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, neither Boock et al. nor Lin discloses or suggests a scheduler configured to determine whether a size of a current one of the bursts is less than a size of a maximum burst associated with a stream.

The Examiner admitted that Boock et al. does not disclose this feature and relied on Lin for allegedly disclosing a burst counter in a MAC interface that counts how many bursts for the current packet are in the data FIFO and control logic that recovers a write pointer (Office Action, page 3). Regardless of the accuracy of the Examiner's allegations regarding Lin, Applicant submits that the alleged disclosure of Lin is not remotely similar to a scheduler configured to determine whether a size of a current one of the bursts is less than a size of a maximum burst associated with a stream, as required by claim 1.

Lin discloses using information in a data burst information FIFO to discard unwanted data contained in a data FIFO, so that the unwanted data does not get forwarded to the DMA interface (col. 1, line 64 - col. 2, line 1). Lin also discloses that write pointers relating to the unwanted data are recovered to avoid unnecessary DMA activity (col. 2, lines 59-64). Nowhere does Lin disclose or remotely suggest a scheduler

configured to determine whether a size of a current one of the bursts is less than a size of a maximum burst associated with a stream, as required by claim 1.

Because Boock et al. and Lin do not disclose or suggest a scheduler configured to determine whether a size of a current one of the bursts is less than a size of a maximum burst associated with a stream, Boock et al. and Lin cannot disclose or suggest a scheduler that is further configured to schedule one or more additional bursts in the stream when the current burst size is less than the maximum burst size.

The Examiner admitted that Boock et al. does not disclose this feature and relied on Lin for allegedly disclosing a burst counter in a MAC interface that counts how many bursts for the current packet are in the data FIFO and control logic that recovers a write pointer, which the Examiner alleged is equivalent to scheduling one or more bursts in a stream (Office Action, page 3). Regardless of the accuracy of the Examiner's allegations regarding Lin, Applicants submit that the alleged disclosure of Lin is not remotely similar to a scheduler configured to schedule one or more additional bursts in the stream when the current burst size is less than the maximum burst size, as required by claim 1.

As explained above, Boock et al. and Lin do not disclose determining whether a current burst size is less than a maximum burst size associated with a stream. So, Boock et al. and Lin cannot disclose or suggest a scheduler configured to schedule one or more additional bursts in the stream when the current burst size is less than the maximum burst size, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Boock et al. and Lin, whether taken alone or in any reasonable combination. Claims 2-5 and 8-

12 depend from claim 1 and are, therefore, patentable over Boock et al. and Lin for at least the reasons given with regard to claim 1. Claims 2-5 and 8-12 are also patentable over Boock et al. and Lin for reasons of their own.

For example, claim 5 recites that the scheduler is further configured to determine a size of an additional burst when the current burst size is less than the maximum burst size. Neither Boock et al. nor Lin discloses or suggests the combination of features recited in claim 5. As explained above, Boock et al. and Lin do not disclose determining whether a current burst size is less than a maximum burst size associated with a stream. So, Boock et al. and Lin cannot disclose or suggest a scheduler configured to determine a size of an additional burst when the current burst size is less than the maximum burst size, as required by claim 5.

The Examiner did not specifically address the feature of claim 5 and, therefore, did not establish a prima facie case of obviousness with regard to claim 5.

For at least these additional reasons, Applicants submit that claim 5 is patentable over Boock et al. and Lin.

Claim 12 recites that the scheduler is further configured to determine a size of an additional burst based on the count value when the current burst size is less than the maximum burst size. Neither Boock et al. nor Lin discloses or suggests the combination of features recited in claim 12. As explained above, Boock et al. and Lin do not disclose determining whether a current burst size is less than a maximum burst size associated with a stream. So, Boock et al. and Lin cannot disclose or suggest a scheduler configured

to determine a size of an additional burst based on the count value when the current burst size is less than the maximum burst size, as required by claim 12.

The Examiner did not specifically address the feature of claim 12 and, therefore, did not establish a prima facie case of obviousness with regard to claim 12.

For at least these additional reasons, Applicants submit that claim 12 is patentable over Boock et al. and Lin.

Independent claims 14, 15, 25, and 31 recite features similar to, but possibly different in scope from, features recited in claim 1. Claims 14, 15, 25, and 31 are, therefore, patentable over Boock et al. and Lin, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claims 16-18, 21-23, 26, and 29 variously depend from claims 15 and 25. Claims 16-18, 21-23, 26, and 29 are, therefore, patentable over Boock et al. and Lin for at least the reasons given with regard to claims 15 and 25.

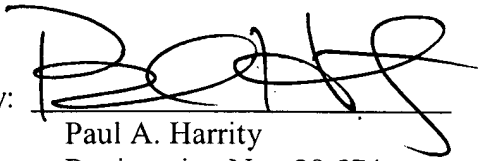
In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 50-1070
and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachment: Replacement Sheets of Drawings

Amendments to the Drawings:

The attached sheet of drawings include a change to Fig. 2. This sheet replaces the original sheet including Fig. 2. The drawings have been amended to include a "Prior Art" legend. No new matter has been added.

Attachment: Replacement Sheet

ATTACHMENT: REPLACEMENT SHEET OF DRAWINGS